IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.9936 of 2004

Dated: 01-08-2007

Between:

M/s. Reliable Paper & Board Mills (P) Ltd.,
Patancheru, Medak District,
rep. by its Managing Director Mdf. Arifuddin.

... Petitioner

and

1. Transmission Corporation of A.P. Ltd., (A.P.TRANSCO)
   rep. by its Chief Managing Director,
   Vidyut Soudha, Khairatabad, Hyderabad and 5 others.

... Respondents

ORDER:

Petitioner factory was inspected by the officials of respondent Corporation on 08-01-1990 and pursuant thereto, third respondent passed a final order on 07-09-1990 estimating the value of the misused energy at Rs.53,635-02 ps. Against the said order, petitioner preferred an appeal before second respondent. Instead of deciding the said appeal, second respondent issued a notice on 18-07-1992 proposing to enhance the final assessment amount upward at

Rs.4,78,175-71 ps. and thereafter issued another notice on 18-05-1993 proposing to further enhance the final assessment amount at Rs.6,64,774-20 ps. Questioning the same, petitioner filed W.P.No.13994 of 1993. During the pendency of the said writ petition, second respondent passed an order in Appeal No.33 of 1990 fixing final assessment amount at Rs.5,74,413/-. When the said writ petition came up for final hearing, the aforesaid final assessment arrived at by second respondent – Chief Engineer was brought to the notice of this Court and the prayer in that writ petition was also amended.

This Court disposed of the said writ petition on 24-01-2002 remitting the matter to the appellate authority for rehearing of the appeal afresh in accordance with law after affording reasonable opportunity to petitioner to justify its claim and consider the same objectively. When the appeal is remitted and is thus pending before second respondent, the Superintending Engineer, who is arrayed as fourth respondent, without reference to the same solely on the basis of the verification of the accounts came to the conclusion that there is an outstanding amount of Rs.5,74,413/- and thus served the impugned notice on 05-06-2004 directing petitioner to pay the said amount within a period of seven days. The said notice is questioned in this writ petition.

2. Heard learned counsel for the parties.

3. From the facts it is clear that in the earlier round of litigation this Court disposed of the writ petition with a direction to second respondent – Chief Engineer to consider the matter afresh. Hence, it cannot be said that, till the matter is heard and decided by second respondent – Chief Engineer, there is outstanding amount as alleged by fourth respondent in the impugned notice.

4. Accordingly, the writ petition is allowed and the impugned notice dated 05-06-2004 is hereby set aside. No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.01-08-2007
GLV